

## Wireless E9-1-1 Legislative and Implementation Summary

### BellSouth Cellular Corp – Cellular and PCS Markets

S t a t e	Wireless E-911 Legislation & Date Eff.	Eff. Date of Fee Collection	Fee & % That Goes To Wireless	Cost Recovery Rules Est. & Date Eff. <sup>i</sup>	Is BellSouth Phase I Compliant <sup>ii</sup> ?	Number of PSAPs Making Phase I Requests Meeting FCC Preconditions <sup>iii</sup> ?	Number of PSAPs implemented or in Process of Being Implemented	Comments
N C	Yes 10/1/98	10/1/98	\$ .80 60%	Yes – interim	Yes	19	19	
S C	Yes 8/1/98	11/1/98	\$ .55 57%	Yes 5/1/99	Yes	7	7	
T N	Yes 5/20/98	No later than 8/20/99	\$ .85 25%-PSAPs; Percentage to wireless undetermined.	No; To Be completed within the next month	Yes	0	3	
T X	Yes 9/1/97	9/1/97	\$0.50	No; To Be completed within the next month	Yes	1	1	

<sup>i</sup> See State Profiles for further discussion of cost recovery and implementation rules.

<sup>ii</sup> A Phase I compliant carrier is any carrier, that in response to a PSAP request meeting the required FCC preconditions, can deliver Phase I in the time and manner required in FCC Docket No. 94-102.

<sup>iii</sup> FCC Docket No. 94-102, *Commission Seeks to Facilitate Wireless E911 Implementation and Requests a Report*, states: "A carrier, however, is not required to implement E911 services unless two conditions are met: (1) that the carrier has received a request for service from a PSAP capable of receiving and utilizing the data, and (2) that a mechanism for recovering the costs of the service is in place." See also, 47 C.F.R. Section 20.18 (f).

**ATTACHMENT 3**

# **Wireless E911 STATE PROFILES**

## **BellSouth Cellular Corp – Cellular and PCS Markets**

### **ALABAMA**

#### **Phase 1 Implementation Status**

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state from some carriers.

#### **Cost Recovery Mechanism**

Alabama has imposed a \$0.70 per month per subscriber E911 surcharge on wireless customers.

#### **Choice of Technology Issues**

None at this time.

#### **Other Issues**

None at this time.

#### **History**

In 1998, the Alabama Legislature passed CMRS industry- and PSAP-supported legislation establishing a wireless E911 surcharge of 70 cents. Carriers were authorized to begin collecting the surcharge in May of that year. Other provisions of the legislation included:

- A five-member board with three 911 and two CMRS industry representatives.
- The fund created by collection of the fee will be divided in the following manner: 56 percent to PSAPs for their expenses in connection with implementing Phase 1 wireless E911 service; 44 percent into a pool to be used to reimburse CMRS carriers for their expenses in implementing Phase 1 E911 service.
- All reimbursements must be approved by the state board.
- Includes limitation of liability.

### **ARKANSAS**

#### **Phase 1 Implementation Status**

None at this time.

### **Cost Recovery Mechanism**

Arkansas has imposed a \$0.50 per month per subscriber E911 surcharge.

### **Choice of Technology Issues**

None at this time.

### **Other Issues**

The Arkansas PSAPs have elected to await Southwestern Bell's implementation of a routing solution. Southwestern Bell has not yet tariffed or implemented its routing solution.

### **History**

The wireless industry and PSAPs began meeting in the fall of 1996 to discuss implementing wireless E911. During the first few weeks of the 1997 legislative session, PSAPs and wireless carriers reached agreement on a statewide fund with a monthly fee of \$.50 per wireless subscriber. A Board consisting of 2 PSAPs, 2 carriers, and the State Auditor was created to administer the fund. The Board held its first meeting in the summer of 1997.

Initial work by the board focused on means of distributing funds to PSAPs. Under the Arkansas legislation, PSAPs were to receive a share of the wireless surcharge based on the number of calls received. Because the PSAPs did not want to rely on self-reporting of these numbers, they sought industry reporting to track call volumes. The development of such tracking programs within wireless switches, however, proved time consuming and expensive. After nearly two years, it was finally agreed that PSAPs would be compensated under a new formula based on population. This methodology was simpler to measure and implement. Legislation was introduced in 1999 to make these changes as well as increase to 2% the amount the Board would retain to cover the costs of its operation.

Wireless carriers are currently prepared to launch Phase I service in Arkansas but no PSAPs have requested service. At least one PSAP has indicated that it would prefer to wait for Southwestern Bell to implement a solution rather than purchase the existing technology offered by the wireless carriers. Once the Southwestern Bell routing solution is in place, the PSAPs apparently intend to require wireless carriers to use this technology to provide wireless E911.

The CMRS Emergency Telephone Services Board currently holds \$2,943,302 for funding Phase I implementation. Although no PSAP has implemented Phase I E911 service, the Board has distributed in excess of 1.5 million dollars to PSAPs.

## **FLORIDA**

### **Phase 1 Implementation Status**

None at this time.

### **Cost Recovery Mechanism**

None at this time.

### **Choice of Technology Issues**

None at this time.

### **Other Issues**

None at this time.

### **History**

The Public Safety Community and the Industry have been in agreement since 1997 on the need for cost recovery legislation. Unfortunately, the political climate did not allow passage until 1999. In both 1997 and 1998, Wireless E911 bills were introduced and quickly held up in Committee as the Governor and Legislature vowed "no new taxes". The Industry was successful in 1998 in passing liability legislation.

In 1999, the Industry and Public Safety Community led a very organized grass roots legislative effort. As a result of this effort the legislature did pass HB 621 in 1999. The specifics of the bill are:

- Statewide wireless surcharge of 50 cents (same as wireline) – 54% of this fee goes to wireless cost recovery.
- CMRS Board
- CMRS Fund with cost recovery
- Support for rural deployment of basic 911

It is expected that the board will be operational in the fall of 99 with Phase I implementation beginning in early 2000.

## **GEORGIA**

### **Phase 1 Implementation Status**

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state.

### **Cost Recovery Mechanism**

State legislation implemented 7/1/98 allowed for Georgia PSAP authorities to collect E911 surcharges of up to \$1.00 from wireless customers, with \$0.30 of every dollar to be used for reimbursement of carrier Phase I costs.

### **Choice of Technology Issues**

None at this time.

### **Other Issues**

None at this time.

### **History**

In 1998, the Georgia Legislature passed enabling legislation that authorized local governing authorities that operate a PSAP or contract to operate a PSAP to pass ordinances imposing a wireless E911 fee of up to \$1. It was not possible to pass a statewide fee and establish a statewide board because of the requirements of the State Constitution. The state law also requires that such ordinances cannot take effect until 120 days after their effective date. A local PSAP has 18 months from the effective date of the E911 fee to implement wireless E911 service. On or after October 1, 2001, local governing authorities may increase the fee equal to the 911 fee on local exchange customers, currently set at \$1.50.

To date, most the approximately 126 local jurisdictions with PSAPs, have passed ordinances.

- 30 cents of every \$1 collected must be deposited by each PSAP in a restricted account, which is to be used to reimburse CMRS providers for to pay for the nonrecurring and recurring installation, maintenance, service, and network charges associated with providing Phase I of wireless E911.
- The remaining amount is to be used by the PSAP for their general statutory obligations.

## **INDIANA**

### **Phase 1 Implementation Status**

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state.

### **Cost Recovery Mechanism**

Indiana has enacted a \$0.65 per month per subscriber E911 surcharge, a minimum of \$0.25 of which is to be used to reimburse carriers for E911 costs.

### **Choice of Technology Issues**

None at this time.

### **Other Issues**

Although the cost of connection to a selective router has traditionally been less than \$1,000, Ameritech has filed a tariff imposing a charge in excess of \$13,000 per carrier for connection to each of its three routers.

Additionally, as described below in the history section, several carriers have been refused full reimbursement of their Phase I costs due to an interpretation, opposed by carriers, of Indiana's 125% carrier cost reimbursement cap.

### **History**

The wireless industry and the public safety community, after lengthy negotiations, agreed to compromise wireless E911 legislation that passed the General Assembly and was signed into law on 3/13/98 in advance of the Phase I implementation deadline. The law provides for a Wireless Enhanced 911 Advisory Board, imposes an initial fee of \$.65, creates a wireless emergency telephone fund, provides for CMRS cost recovery, and gives funds to PSAPs providing wireless E911.

The Board is made up of eleven members, five CMRS, five from the public safety community, and it is chaired by the state Treasurer who may vote only to break a tie. The Board has the ability to raise or lower the fee once a year, but it cannot be raised more than \$.07 at one time, and the fee cannot exceed \$1.00.

The initial fee of \$.65 was imposed on 5/1/98. CMRS providers may keep two percent (2%) of the fee for administrative costs. Three percent (3%) is to be escrowed for Phase II. At least \$.25 of the fee must be held in the fund to reimburse CMRS providers for the actual costs of complying with the 911 requirements of the FCC Order. Two percent (2%) covers Board expenses. The money remaining in the fund is held for monthly distributions beginning 9/1/99 to eligible PSAPs that provide wireless E911 service. There are requirements in the law that govern the use of the money by PSAPs. A CMRS provider may recover all of its cost of implementing wireless E911 from the fund. The Board must approve the plan before the CMRS provider may recover costs. The Board may not approve an invoice if payment of the invoice would result in payment of more than one hundred twenty-five (125%) of the total amount contributed to the fund by a CMRS provider, unless the Board approved the cost before it was incurred by the CMRS provider.

The Board met for the first time on 7/28/98. At its 8/17/98 meeting, the Board approved the CMRS Provider Remittance Form and the CMRS Carrier Cost Recovery Instructions. A Chair and two members were appointed to the Cost Recovery Subcommittee. The Subcommittee recommended and the Board approved cost recovery in the amount of \$.25 per subscriber per month for a number of carriers at its 9/29/98, 11/4/98, and 1/26/99 meetings.

Some carriers that were approved for \$.25 had asked the Subcommittee to approve higher costs. The subcommittee chair on the advice of counsel issued letters that said, "the Board only approved 25 cents per subscriber as outlined in the Indiana Legislation. We are unable to approve any additional funding at this time. The maximum the board would be able to approve is 31 cents per subscriber per month". Several CMRS providers opposed this position. It is their position that the 125% cap applied to the full amount per subscriber per month contributed to the fund which was \$.61 and that the 125% cap could be exceeded with prior approval of the Board.

While some CMRS providers have differences with the Subcommittee, all providers, the Board and the Subcommittee have been working together to implement wireless E911 in the state. The first CMRS carrier began providing wireless E911 service in Ft. Wayne on 3/31/98. All carriers which costs have been approved are now providing wireless E911 in the state or are in the process of implementation. All carriers that are providing E911 service are being reimbursed for their costs.

The Cost Recovery Subcommittee requested all CMRS providers to meet individually with the Subcommittee June 23 – 25 to discuss "true costs" and other issues. During those meetings the Subcommittee backed away from its position of a \$.31 cap. The Subcommittee intends to review all CMRS provider costs at meetings on 8/11, 12, & 13/99 and present a comprehensive plan and recommendations to the Board at its meeting on 8/24/99.

## **KENTUCKY**

### **Phase 1 Implementation Status**

None at this time.

### **Cost Recovery Mechanism**

Kentucky imposes a \$0.70 per month per subscriber E911 surcharge, with 50% of the funds to be used for PSAP expenses and 50% to reimburse CMRS providers for Phase I expenses.

### **Choice of Technology Issues**

None at this time.

### **Other Issues**

None at this time.

### **History**

The Kentucky legislature meets every two years, and FCC 96-264 was issued far too late for consideration in the 1996 session. However, prior to the 1998 legislative session, Wireless Industry and Public Safety representatives jointly addressed wireless 911 and the requirements of the order. Legislation was crafted and introduced in 1998, passing without serious opposition. It had the following major provisions:

- An eight-member state board includes a LEC representative, municipal and PSAP employees, and three members of the wireless community.
- Fee is set at 70¢, half to the PSAPs and half to reimburse CMRS providers for Phase I.
- All requests for reimbursement must be approved by the state board.
- Includes limitations on liability.

Appointments to the state board were delayed by six months due to procedural problems, but cost recovery procedures have now been prepared. The annual meeting of the Kentucky NENA chapter on July 8, 1999 includes education programs on Phases I and II, steps to implementation, and instructions on how to secure disbursements from the state fund. Phase I deployments are expected to increase rapidly in fall of 1999.

## **LOUISIANA**

### **Phase 1 Implementation Status**

Phase I service has been implemented in one parish in Louisiana by some carriers.

### **Cost Recovery Mechanism**

Louisiana collects, on a parish by parish basis, \$0.85 per month per wireless subscriber.

### **Choice of Technology Issues**

None at this time.

## **Other Issues**

All parishes with a population of 30,000 and over will implement Phase I within 12 months of surcharge initiation, while all parishes of 20,000 or more will implement within 18 months.

## **History**

The wireless industry and the Public Safety Community independently pursued Wireless E911 legislation until 1999. Prior to 1998 the Public Safety Community tried to pass legislation that included a surcharge on wireless customers. The surcharge would contribute to the overall cost of E911 but did not include any specific support for Wireless E911, or FCC Order 94-102. Most of these proposals did not pass. In 1998, the wireless industry lobbied for Statewide Oversight and one statewide rate, while the Public Safety Community lobbied to maintain local jurisdiction. The Public Safety Community did acknowledge FCC Order 94-102, but was unsure of the impact it had on Louisiana. There was also a view by many of the PSAPs that cost recovery was incremental to any other contemplated surcharge. The industry and Public Safety Community continued to meet between throughout 1998 and agreement was reached on most issues. In the 1999 Session, a compromise was reached on all issues. The proposal maintained local jurisdiction and established a statewide rate of eighty-five cents (with the exception of two parishes that had voted on higher rates). HB2102 passed unanimously in June 1999. The highlights of the bill are:

- All Parishes with a population of 30,000 and over will implement Phase I within 12 months of the effective date.
- All Parishes of 20,000 or more will implement within 18 months.
- Immunity is included.
- Cost recovery is included on a Parish by Parish basis.
- No Statewide board.

The industry is expecting Phase I requests to increase rapidly in the fall of 1999. Many of the 35 parishes with populations over 30,000 should be implemented by summer of 2000.

## **MISSISSIPPI**

### **Phase 1 Implementation Status**

None at this time.

### **Cost Recovery Mechanism**

Mississippi has imposed a \$1.00 per month per subscriber E911 surcharge, with 30% of surcharge funds dedicated to reimbursement of carrier Phase I costs.

### **Choice of Technology Issues**

None at this time.

### **Other Issues**

None at this time.

### **History**

In 1994, Mississippi passed legislation to impose a fee on wireless subscribers which varied from 80¢ to \$1.00. Between 1995 and 1997 unsuccessful attempts were made to raise the ceiling to \$2.00, with no set aside for Phase I. Prior to the 1998 legislative session, Wireless Industry and Public Safety representatives agreed to a flat, statewide rate with a designated portion to meet the requirements of FCC 94-102. Legislation was introduced in the 1998 session and passed without serious opposition. It has the following major provisions:

- A five-member state board includes three PSAP representatives and two members of the wireless community.
- Fee is set at \$1.00, seventy percent to the PSAPs and thirty percent to reimburse CMRS providers for Phase I.
- All requests for reimbursement must be approved by the state board.
- Includes limitations on liability.

Cost Recovery rules have been published for public comment, to be approved at the July meeting of the state board. Phase I deployments are expected to increase rapidly in fall of 1999.

## **NORTH CAROLINA**

### **Phase 1 Implementation Status**

Phase I has been implemented in parts of North Carolina.

### **Cost Recovery Mechanism**

North Carolina has imposed a \$0.80 per month per subscriber surcharge, sixty percent of which is dedicated to carrier cost recovery.

### **Choice of Technology Issues**

None at this time.

### **Other Issues**

None at this time.

### **History**

Beginning in April 1997, Wireless Industry and Public Safety representatives jointly addressed wireless 911 and the requirements of FCC 94-102. After resolving disagreements regarding the existence and composition of a state oversight board and whether the fee should be imposed county by county or statewide, legislation was crafted and introduced in 1998. Concerns of the trial lawyers and questions regarding the amount were addressed, and the legislation was passed. It has the following major provisions:

- A thirteen-member state board includes a LEC representative, municipal and PSAP employees, and five members of the wireless community.
- Fee is set at 80¢, forty percent to the PSAPs and sixty percent to reimburse CMRS providers for Phase I.
- All requests for reimbursement must be approved by the state board.
- Includes limitations on liability.

Interim Cost Recovery rules are in place. Phase I deployments are expected to increase rapidly in fall of 1999.

## **TENNESSEE**

### **Phase 1 Implementation Status**

None at this time. However, Phase I deployments are expected to increase rapidly in the fall of 1999.

### **Cost Recovery Mechanism**

Tennessee imposes a \$0.85 per month per subscriber E911 surcharge. However, cost recovery rules have not yet been promulgated.

### **Choice of Technology Issues**

None at this time.

### **Other Issues**

None at this time.

### **History**

The wireless industry and the Public Safety Community independently pursued Wireless E911 legislation until 1998. Prior to that time, the Public Safety Community tried to pass legislation that included a surcharge on wireless customers. The surcharge would contribute to the overall cost of 911 but did not include any specific support for Wireless E911, or FCC Order 94-102. None of the proposals passed until a Legislative Study Committee was formed in 1997 to recommend a course of state action.

In 1998, Senators. Bob Rochelle and Bob Hanes and Representatives. Jerry Hargrove and Kim McMillan brought all parties together to resolve differences. H 3190 and S 3308 were the outcomes with what was probably the most comprehensive rewrite of state laws in the country to date. By statute, a separate funding bill was required in the 1998 session. SJR. 228 by Sen. Rochelle set the initial wireless E9-1-1 rate at \$0.85 which would increase to \$1.00 (for Phase II purposes) once the state's 5 major metropolitan areas had at least one carrier which had rolled out Phase I. The wireless industry and Public Safety Community collaborated on legislative advocacy in both 1998 and 1999 to ensure passage of both bills. The highlights of the initial legislation are:

- Establishes powerful state board of nine members. No wireless industry representation on Board.
- Any rate change must be ratified by the Tennessee General Assembly.
- Carriers must implement rate within sixty days of notification of change from Board.
- Includes cost recovery provisions
- Specifies that 25% of monies collected through fund will be disbursed to Emergency Communications Districts (ECD) based on the proportion of the state population residing within each ECD.
- Tennessee E9-1-1 Board sent letter to carriers dated June 20, 1999 requesting implementation of the 9-1-1 surcharge within 60 days as required by statute.

## **TEXAS**

### **Phase 1 Implementation Status**

Phase 1 service is in the process of implementation for some PSAPs from some carriers. Phase I deployments are expected to increase rapidly in the fall of 1999.

### **Cost Recovery Mechanism**

Texas imposes a \$0.50 per month per subscriber surcharge. However, carrier cost recovery is contingent upon direct contractual negotiations with county PSAPs.

### **Choice of Technology Issues**

Carriers and PSAPs have faced extensive disagreements regarding technology choice issues in Texas.

## **Other Issues**

Contract negotiation issues, PSAP refusals to accept national carrier pricing, and individual cost disputes have also impacted Phase I deployment in Texas.

## **History**

In Texas, 22 Council of Governments have 9-1-1 responsibility overseen by the Advisory Commission on State Emergency Communications. Home rule cities (those with over 250,000 in population) are not covered by ACSEC decisions.

The wireless industry and the Public Safety Community independently pursued Wireless E911 legislation separately until 1997 (Texas Legislature meets every 2-years). Prior to that time, the Public Safety Community tried to pass legislation that included a surcharge on wireless customers. The surcharge would contribute to the overall cost of 911 but did not include any specific support for Wireless E911, or FCC Order 94-102. In 1997, the two-stakeholders met jointly to develop a compromise.

The Texas legislature passed its E-911 cost recovery bill in 1997 with the rate becoming effective on September 1. Since then, approximately \$40 million has been raised by the surcharge. There was an independent effort by Dallas/Fort Worth and Houston/Harris County to increase the fee during the 1999 legislative session. There was never any formal discussion with industry over the need for the increase.

As of June 1, 1999, various carriers have been working towards deployment of Phase I in fewer than ten Home Rule Cities in Texas.

Highlights of the initial legislation are:

- Creates \$0.50 fee for wireless users
- Establishes cost recovery at emergency communications district level
- Provides limitation of liability for wireless carriers
- Provides for non-disclosure of proprietary information